

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FACTOR75, LLC, et al.,

Plaintiffs,

-against-

RUPRECHT COMPANY,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/19/25

24-CV-04094 (JPC) (BCM)

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed during today's discovery conference, it is hereby ORDERED that the parties' cross letter-motions to compel discovery (Dkts. 33-35) are GRANTED IN PART and DENIED IN PART as described below. To the extent the parties have not done so already they must produce the following:

Defendant's Motion to Compel

1. **RFPs 1-2:** Plaintiffs must produce nonprivileged documents responsive to these requests, limited to those concerning the negotiation and/or drafting of the indemnification clause(s) in the referenced contracts.
2. **Interrogatories 1-2:** Plaintiffs must answer these interrogatories.
3. **RFPs 8(d), 9(d), and 11:** Plaintiffs must produce nonprivileged documents responsive to RFPs 8(d) and 9(d), limited to the period December 19, 2023 through January 31, 2024. With respect to RFP 11, plaintiffs must produce documents sufficient to show any changes in Factor's testing protocol, as described in the RFP, limited to the period of December 1, 2023 through May 23, 2024.
4. **RFP 24:** Plaintiffs must produce documents sufficient to show the requested information, limited to the period June 2023 through December 2023.

5. **RFPs 25 and 26:** Defendant's motion is denied as to RFP 25. With respect to RFP 26, plaintiffs must produce nonprivileged documents responsive to the request, limited to the allegedly raw or undercooked chicken at issue in this case.
6. **RFPs 27-31:** Plaintiffs must produce documents sufficient to show (1) Factor's quality management system, policies, and procedures pertaining to chicken, as in effect in December 2023; and (2) Factor's inventory management system, policies, and procedures, as in effect in December 2023.
7. **RFPs 32-35:** Defendant's motion is denied as to these RFPs.
8. **RFP 39:** Plaintiffs must produce nonprivileged documents concerning any inventory write-offs with respect to the chicken at issue in this case.

Plaintiffs' Motion to Compel

9. **RFP 4:** Defendant must produce nonprivileged documents responsive to this request, limited to the "sous vide process" performed for plaintiff.
10. **RFP 5:** Defendant must produce nonprivileged documents responsive to this request, limited to the period January 2022 through December 2023.
11. **RFP 6:** Defendant must produce nonprivileged documents responsive to this request as written.
12. **RFP 7:** Plaintiffs' motion is denied as to RFP 7.
13. **RFP 8:** Defendant must produce all photographs responsive to this request, limited to the pack dates listed in RFP 6.
14. **RFP 9:** Plaintiffs' motion is denied as to RFP 9.
15. **RFP 17:** Defendant must produce nonprivileged documents responsive to this request, limited to the period beginning September 1, 2023.

Mediation

No later than **April 2, 2025**, the parties must (after meeting and conferring) submit a joint letter updating the Court as to their mediation plans. If the parties request a stay or extension of discovery deadlines for mediation purposes, they must propose a firm deadline for the resumption of litigation.

Dated: New York, New York

March 19, 2025

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge